IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 11835 of 2004

Between:

1.K.Linga Reddy, S/o.Ramakrishna Reddy,
R/o.B.Vellamula (V) Narkatpally (M), Nalgonda Dist.
2.M.Anji Reddy, S/o.Lachi Reddy,
R/o.H.No.4-11-205, Chaitnyapuri, G.V.Guda, Nalgonda Dist.

..... PETITIONERS

AND

1 The Executive Engineer (R&B) Division Nalgonda.
2 The Commissioner of Relief & EO Secretary to Government Secretariate,

Hyderabad.
3 The Chief Engineer (Roads & Buildings) Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in deducting the rice value Rs.7.30 per kg which was supplied to the labourers under labour component instead of Rs 5.65 per kg from final bill of the petitioner for the works (As annexed) completed by them under the food for work programme as bad, arbitrary, illegal, unjust and unreasonable and non application of mind and consequently direct the respondents to pay the petitioners the difference of amount (1.65 per kg.) for the rice supplied under labour component which was deducted by the respondents herein.

Counsel for the Petitioners: MR.P.VENKATESWAR RAO

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER:

The writ petition is filed for a declaration that the action of the respondents in deducting the value of rice at Rs.7.30 ps per kilo that was supplied to the labourers under the labour component, instead of Rs.5.65 ps per kilo, from the final bill of the petitioners for the works executed by them under the Food For Work programme, is arbitrary and illegal and for a consequential direction to the respondents to pay the petitioners difference of amount as per the above claim.

These disputes between the petitioners and the respondents arise out of a non-statutory post-contractual situation, which disputes do not have an adjudicative disposition under Article 226 of the Constitution of India. Accordingly, on that premise, the writ petition is dismissed with liberty to the petitioners to pursue their appropriate remedies before the Civil Court of competent jurisdiction. No costs.

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29.12.2004

VGB

To

1 The Executive Engineer (R&B) Division Nalgonda.
2 The Commissioner of Relief & EO Secretary to Government Secretariate,

Hyderabad.
3 The Chief Engineer (Roads & Buildings) Hyderabad.

4 2CCs to the Government Pleader for Roads and Buildings, High Court

Buildings, Hyderabad (OUT)

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